

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERCEDES LIRIANO, et al. :
Plaintiffs, : 19 Civ. 11245 (LGS)(SLC)
:
-against- : ORDER
:
NEW YORK CITY DEPARTMENT OF :
EDUCATION, et al., :
Defendants. :
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LORNA G. SCHOFIELD, District Judge:

I. Objections to March 11, 2021, Order Granting Corporation Counsel’s Motion to Withdraw

WHEREAS, on February 19, 2021, the Office of James E. Johnson, Corporation Counsel of the City of New York (“Corporation Counsel”), filed a motion pursuant to Local Civil Rule 1.4, to withdraw as counsel for Defendant Patricia Catania. Dkt. No. 98.

WHEREAS, on March 11, 2021, Magistrate Judge Sarah L. Cave, to whom this case was referred for general pre-trial supervision, issued an Order granting the motion. Dkt. No. 111.

WHEREAS, Ms. Catania timely filed objections to the March 11, 2021, Order. See Dkt. Nos. 117, 123 and 124. It is hereby

ORDERED that Ms. Catania’s objections are **OVERRULED**. The reasoning underlying this ruling is set forth in the Court’s April 14, 2021, Opinion & Order, which was issued temporarily under seal. Dkt. No. 127 (finding that Judge Cave’s ruling was not “clearly erroneous or [] contrary to law”) (citing Fed. R. Civ. P. 72(a); 28 U.S.C. § 636 (b)(1)(A)).

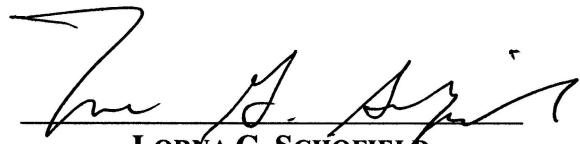
II. Motion to Seal the April 14, 2021, Opinion & Order and Underlying Submissions

WHEREAS, on April 14, 2021, the Court issued an Order directing Defendants to file any proposed redactions to the Opinion and Order. Dkt. No. 126.

WHEREAS, on April 21, 2021, Defendant New York City Department of Education (“DOE”) filed a letter proposing redactions (Dkt. No. 128), and Ms. Catania filed a letter proposing redactions and requesting, in the alternative, that the entire Opinion and Order (and underlying submissions), remain under seal (Dkt. No. 129). It is hereby

ORDERED that Ms. Catania’s request to seal the Opinion & Order and underlying submissions is **GRANTED**. Docket Nos. 117, 123, 124, 127, 128 and 129 will remain sealed and only the following parties and their counsel should have access: New York City Department of Education and Patricia Catania. Although “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history,” this right is not absolute, and courts “must balance competing considerations against” the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc’ns., Inc.*, 435 U.S. 589, 599 (1978) (“[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”). Filing the above-referenced documents under seal is in part necessary to prevent the unauthorized dissemination of communications subject to attorney-client privilege. As to the remainder of such documents, the facts and circumstances of Corporation Counsel’s withdrawal as counsel to Ms. Catania are not relevant to the prosecution of the case, and disclosure of such facts and circumstances would be prejudicial to Ms. Catania and the DOE.

Dated: July 16, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE